

OGC 76-4233  
30 July 1976

MEMORANDUM FOR THE RECORD

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FROM : [REDACTED]  
Associate General Counsel

SUBJECT : Executive Order 10450

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1. I have spoken in the last several days with Jeanne Davis (NSC Staff Secretary), Peter Wallison (in the Office of the Vice President), Dick Parsons (on the staff of the Domestic Council) and Doc Cooke of Defense, who authored the recent study and draft regulation. Additionally, I have briefed Admiral [REDACTED] 8:30 meeting (on two occasions) and Mr. Lapham. Also, [REDACTED] has briefed [REDACTED] and I have talked with him at several stages. Bob Gambino and I discussed it at some length today.

2. The situation now is, I believe, substantially as follows. Contrary to the earlier information I received, I was told by [REDACTED] this morning that the draft order has been referred to the Domestic Council from the Vice President's office with the request that the Council refer it to OMB for coordination with all interested agencies. I indicated our concern that this order has been drawn up without our participation and that it might be difficult to negotiate changes during the OMB coordinating process. He suggested, however, that it would be somewhat foolish to have the order circulated to all interested agencies by the Domestic Council and then have OMB do the same thing. He suggested also that the Domestic Council lacks the personnel to accomplish that type of coordination while OMB does it all the time. He also indicated that he would specifically mention to OMB CIA's concern and interest in the order. I am inclined to agree that we cannot ask that the order be deflected to us now, rather than to receive it in the normal course of OMB processing. We do have the document informally. Security, the Directorates and this Office have all studied it and will continue to do so. I think then that we need not propose to the Director that he use his good offices to get the Agency or the Community into the act.

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3. Doc Cooke offered to have some of his experts or some of the people on the team that drafted the order come over to meet with Mr. Gambino and other Agency people if this is desired.

4. The Security Committee is to consider certain aspects of this matter, I believe, on 3 August. I suggested to Bob Gambino that in view of these developments the Committee should now be able to take the time to study the document with some care and should not attempt to rush into agreement.

5. Several major points of concern to the Agency and to the Community would include:

- a. the scope of investigations;
- b. the due process aspects of security judications;
- c. the adequacy of the exemption for the Agency, NSA and FBI and the implications of exemptions for some agencies and not for all;
- d. the feasibility of one standard for security investigations for employment and another for access to information;
- e. the application of the order to both civilian and military personnel; and
- f. the fact that CIA and, I believe, other agencies may terminate employment upon a determination that termination is "necessary or advisable in the interests of the United States," but other agencies and departments do not have that broad authority.

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cc: AD/DCI/IC  
Exec Secy/Security Committee  
Director of Security